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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,755	02/09/2004	Blair Peet	PE14-004	8713

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,755

Applicant(s)

PEET ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-9, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jannach (US 5,862,606).

Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Yentis (US 2,098,735). Yentis is considered to disclose the claimed invention comprising:

providing a dryer framework configured for insertion into a cavity of one of a garment, boot and shoe (please see the first text page, left column lines 27-39); and

heating a first surface of the dryer framework to a temperature higher than a second and opposing surface of the dryer framework, thereby creating a temperature differential across the dryer framework (please see first text page, left column line 40 through right column line 22 where it is inherent that first surface of a is heated to a higher temperature than an opposing second surface because a heating first surface will transfer heat to a second non-heating surface under current laws of thermal dynamics). Yentis is also considered to disclose the claimed airflow (first text page left column line 49) and air exit passageway (second text page left column line 18).

Claim Rejections - 35 USC § 103

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jannach. Jannach is considered to clearly anticipate the claimed invention except for the claimed higher temperature difference. It would have been an obvious matter of

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design choice to provide a specific temperature difference, since the prior art of record will perform substantially the same result, with substantially the same means, in substantially the same way as the claimed invention.

Claims 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yentis in view of Sloane (US 5,289,642). Yentis is considered to disclose the claimed invention, as discussed above under the second anticipatory rejection, except for the claimed lower cavity framework insertion configuration. Sloane, another garment, boot, or shoe dryer, is considered to disclose a lower cavity framework insertion configuration at column 3 lines 58-68. It would have been obvious to one skilled in the art to combine the teachings of Yentis with the lower cavity framework insertion configuration, considered disclosed by Sloane, for the purpose of directing heated air flow into the lower portion of ski boots or other patentably comparable garments.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yentis in view of Sloane in further view of Swanson et al. (US 2001/0039991). Yentis in view of Sloane is considered to disclose the claimed invention, as discussed above under the second obviousness rejection, except for the claimed air gap. Swanson, heat transfer device, is considered to disclose an air gap at paragraph [0051]. It would have been obvious to one skilled in the art to combine the teachings of Yentis in view of Sloane with the air gap, considered disclosed by Swanson, for the purpose of increasing the dissipation of heat.

Response to Arguments

Applicants' arguments with respect to claims 1-11, 17, and 19-21 have been considered but are moot in view of the new grounds of rejection.

Applicants' arguments filed May 16, 2005 with respect to claims 12-16, 18 and 22-24 have been fully considered but they are not persuasive.

anticipation

Applicants argue that the amended feature overcomes the anticipatory rejection in light of several decisions. In citing each case it is not clear the relevance of each decision with respect the facts of the present application. The amended feature is not in claim 22 and therefore the rejection is maintained and considered proper.

obviousness

Applicants cite several more court decisions arguing that the obviousness rejection should be withdrawn. In citing each case it is not clear the relevance of each decision with respect the facts of the present application. Applicants further argue that primary reference Yentis and secondary reference Sloane are different configurations that would interfere with each other. In this application the secondary reference was cited to show that it would have been obvious to one skilled in the art to modify the primary reference to teach the claimed elements. Even though configurations may be different, the differences between the prior art and the claimed invention along with motivation or suggestion to combine prior art references is fully explained in the rejection above. Finally applicants argue that tertiary reference Swanson does not contain all the elements of claims 15-17 even though paragraph [0051] is considered to

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disclose those elements, as discussed in the rejection above. The rejection is considered proper and maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

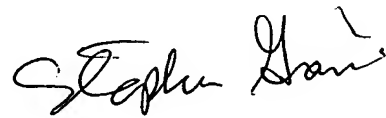
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG

July 15, 2005

A handwritten signature in cursive script, appearing to read "Stephen H. H. H.", located to the right of the typed name SMG.